

Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 602. PROHIBITION AGAINST COVERING CHILDLESS ADULTS WITH SCHIP FUNDS.

(a) PROHIBITION ON USE OF SCHIP FUNDS.—

(1) IN GENERAL.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

“(f) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding subsection (e)(2)(A) and section 1115(a), the Secretary may not approve a waiver, experimental, pilot, or demonstration project, or an amendment to such a project that has been approved as of the date of enactment of this subsection, that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to childless adults. For purposes of the preceding sentence, a caretaker relative (as such term is defined for purposes of carrying out section 1931) shall not be considered a childless adult.”.

(2) CONFORMING AMENDMENT.—Section 2105(c)(1) (42 U.S.C. 1397ee(c)(1)) is amended by inserting before the period the following: “and may not include coverage of childless adults. For purposes of the preceding sentence, a caretaker relative (as such term is defined for purposes of carrying out section 1931) shall not be considered a childless adult.”.

(b) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to—

(1) authorize the waiver of any provision of title XIX or XXI of the Social Security Act (42 U.S.C. 1396 et seq., 1397aa et seq.) that is not otherwise authorized to be waived under such titles or under title XI of such Act (42 U.S.C. 1301 et seq.) as of the date of enactment of this Act; or

(2) imply congressional approval of any waiver, experimental, pilot, or demonstration project affecting the medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act that has been approved as of such date of enactment.

(c) EFFECTIVE DATE.—This section and the amendments made by this section take effect on the date of enactment of this Act and apply to proposals to conduct a waiver, experimental, pilot, or demonstration project affecting the medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act, and to any proposals to amend such projects, that are approved or extended on or after such date of enactment.

TITLE VII—EFFECTIVE DATE

SEC. 701. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b) and except as otherwise provided, the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—In the case of a State plan under part A or D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day

of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Nevada is recognized.

MORNING BUSINESS

Mr. REID. Mr. President, the chairman of the Finance Committee will not be here until about 1:30. We should not start the bill until he arrives. I have spoken to Senator BAUCUS. He agrees. I think until then perhaps we should be in a period of morning business until 1:30.

Mr. FRIST. Mr. President, why don't we have morning business. I ask unanimous consent that there be a period of morning business with the time divided accordingly until 1:30 today.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Will the Senator from Oregon yield for a question?

Mr. WYDEN. I am happy to.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be recognized for 10 minutes following the Senator from Oregon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RIISING GAS PRICES

Mr. WYDEN. Mr. President, I rise to reiterate how important it is that Congress and the administration act to protect the American people from rising gas prices. I call on the Bush administration to stop its campaign of inaction on this critical consumer issue.

This week the Organization of Petroleum Exporting Countries, OPEC, will vote on whether to cut their cartel's production by 1 million barrels a day. This vote comes at a time when the American Automobile Association tells

us that the national average price of gasoline is the highest it has ever been. Of course, we know it is not yet the peak driving season. In California, consumers consistently pay over \$2 a gallon. In my home State, it is \$1.80, and in some towns, \$1.85, such as Eugene and Medford. Consumers in Oregon are getting clobbered.

The vote OPEC will be making comes at a time when according to the Associated Press private gasoline inventories are already down by 2.5 million barrels. The vote comes at a time when, in spite of these very low supplies, the Bush administration stubbornly persists in filling the Strategic Petroleum Reserve instead of steps that I and others favor, which are to put more oil on the market.

In my view, it is imperative that the United States push OPEC in every possible way not to cause further harm to our already injured gasoline market and to vote against any further production cuts. The Lundberg Survey tells us that even if OPEC were to agree this week not to cut production, we would still face skyrocketing prices. Here is how I read that: If OPEC doesn't agree not to cut production, the problem will be that much worse.

When oil prices were high in September of 2000, then-candidate George W. Bush blasted former President Clinton for not pushing OPEC to increase production. Prices at that time were not as high as they are today. And at least the administration at that time was making some efforts to wring some relief out of OPEC. But still then Texas Governor Bush said:

We need to be mindful of the power of strong and consistent diplomacy. We need to start playing with chips we have earned in the past on behalf of American consumers.

If anybody has chips to play now in order to get a fair shake for the consumer, it is this President. Certainly he has chips to play with the domestic oil producers who enjoy the tax breaks he favors and environmental breaks and help when those companies are having difficulty supplying their refineries.

With regard to the OPEC vote, we ought to be clear. I hope the President of the United States will follow the advice he gave years ago. I hope he will do everything possible to push those OPEC countries now, telling them they should not allow the gas problem in this country to worsen with yet another production cut. Pushing OPEC to stop a planned production cut is the very least this administration could do for the gasoline consumer. It would be the least that could be done, but at least it would be something. At least it would end the weeks' long, months' long campaign of inaction that this administration has waged as gasoline prices have crept higher and higher and clobbered consumers in every part of the United States.

For several weeks now OPEC's per barrel price has been well above their target per barrel price range of \$22 to